

Minutes of the Public Hearing held on December 4, 2018 at 9:05 a.m. with respect to Conditional Use application C20-18; to allow Tyler Schroeder to operate a restaurant take out and delivery business (Nivervilles Pizzeria) on Lot 23 Block 1 Plan 59619, civically known as Unit 2A - 40 Drovers Run Mayor Myron Dyck served as chairperson, with all members of Council in attendance.

Tyler Schroeder provided an overview of his proposal to provide a take-out and delivery pizza restaurant.

There were no concerns brought forward.

The Public Hearing was closed at 9:08 a.m.

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Minutes of the Public Hearing held on December 4, 2018 at 9:10 a.m. with respect to Conditional Use application C18-18 and Variation application V9-18; to allow for a Planned Unit Development (60 dwelling units) in a R3 Multiple Family Residential Zone on Lots 12, 13, 14 Block 6 Plan 19956, civically known as 87,93 and 103 4<sup>th</sup> Avenue S., along with the following variations:

- Vary front yard setback from 30 ft. to 27 ft.
- Vary Rear yard setback from 25 ft. to 15 ft.
- Vary Fence height on side and rear yards from 6 ft. to 6 ft. 6 in.
- Vary Fence height maximum in front yards for the side fence to front property line from 2 ft. 6 in. to 5 ft.
- Vary Fence height maximum in front yard for step down fence, ranging from 2 ft. 6 in. to 5 ft.
- Vary Parking requirement from 120 spaces to 103 spaces
- Vary requirement to designate 4 handicap parking spaces as there are currently 42 parking spaces meeting 10 ft. width requirement
- Allow garbage/recycling and Canada Post mailboxes (accessory uses) in front yard
- Vary private roadways (aisles) from 25 ft. width to 22 ft. width

Mayor Myron Dyck served as chairperson, with all members of Council in attendance.

Luke Wiebe on behalf of 6135367 MB Ltd. and 5563985 MB Ltd., provided an overview of the proposal. He noted that the development catered to the 50+ age group by providing dwelling units that had no stairs.

Jason Kehler on behalf of 4<sup>th</sup> Avenue Bible Church (62 4<sup>th</sup> Avenue S.), noted a concern for pedestrian traffic, traffic in the area as the street was not designed for this, and unauthorized parking on the Church lot.

Melanie Bergen of 160 3<sup>rd</sup> Street S. noted concerns for children walking to school on 4<sup>th</sup> Avenue and an increase in parking on the street. She suggested that the Developer have a plan for parking during the construction phase.

Randy Koop of 113 4<sup>th</sup> Avenue S. asked for clarification on a number of items, namely:

- Whether garage parking is considered to be a parking stall for the overall required parking spaces
- Required side yard setback- if the side yard is actually a “rear yard” as buildings will back onto the side site line
- Requirement for visitor parking
- The unit layout for building “D” (middle building)
- Why the garbage and recycling bins are located in the front yard

The garage space is considered to be a parking stall for the purposes of determining the required number of parking stalls. Currently, the zoning bylaw does not speak to the question of a side yard in a planned unit development as being considered the rear yard when the rear of buildings are configured so they abut the side site line. There was no requirement for visitor parking noted in the Administrative Review for this development. Building “D” is proposed to have 4 main floor dwelling units and 8 upstairs units, with one garage stall assigned to each unit. The garbage and recycling bins are located in the front yard so that the trucks doing the pick ups will not have to drive into the development.

Luke Wiebe commented that the development was not designed to have 2 stalls per unit; this is a higher standard than other communities are requiring.

Written correspondence was received from the following residents and read into the record:

Kristen & Jason Fyfe 168 1<sup>st</sup> Street S. (Nov. 14/18)

Kasia Duval (Nov. 15/18)

Helen Sparrow 63 4<sup>th</sup> Avenue S. (Nov. 18/18)

Stephanie Penner 162 1<sup>st</sup> Street S. (Nov. 20/18)

Andrew & Chelsea Maronese 127 4<sup>th</sup> Avenue S. (Dec. 3/18)

The concerns noted in the correspondence were as follows:

- Size of the development and concern for possible 3 storey buildings
- Traffic
- Noise
- Disturbance from bright lights
- Safety of pedestrians
- Loss of trees in the area
- Parking and designated handi-cap parking
- Schools – increase in number of students to already over-crowded school
- Taxes – extra traffic will be stress on the condition of the road making it necessary to repave 4<sup>th</sup> Avenue S. more frequently than planned.
- Devaluation to homes that border the units
- Esthetics
- Glut of condos on the market – Niverville needs more affordable housing for entry-level home buyers, not more condo units

Deputy Mayor John Funk noted that the developer was trying to squeeze in too many units, the greenspace did not have a walkway for access and the roads (aisles) are too narrow for backing out, with the middle building residents having to back out “blindly” into traffic.

Luke Wiebe commented that the preliminary site plan committed to 2 storey buildings, rather than 3 storeys, even though the R3 zoning allows for 3 storeys.

Mayor Dyck provided insight for when the area had been rezoned to R3; engineers had advised that the R3 area was adequate to handle a higher density of traffic.

Councillor Wiebe noted that the area was zoned to step up to R3.

CAO Eric King advised that 3 storey structures are allowed in R3 zoning subject to approval by a Conditional Use.

Mayor Dyck noted that the step up to R3 zoning was done to alleviate challenges with the transition to higher density.

Luke Wiebe advised that there was no R1 zoning in the area.

Melanie Bergen confirmed that there is step down zoning in the area.

Councillor Wiebe confirmed that R3 does allow for 3 storey buildings.

Councillor Dueck noted that garages tend to get used for storage rather than parking, and how can parking in the garages be enforced.

Councillor Stott noted that parking is always a concern in Town.

Luke Wiebe commented that his goal was to cater to 1- and 2-bedroom units, not make this a family-oriented development (less dense). He noted that the parking requirement was only short 17 parking spaces and felt that this was a fair and reasonable request to reduce from 2 spaces to 1.7 spaces.

Mayor Dyck commented that the Town sets their policies for a reason and developers should not expect the Town to make concessions.

Luke Wiebe said that he was trying to make a plan that works.

Viola Toews of 61 4<sup>th</sup> Avenue S. agreed with concerns raised by Helen Sparrow and reiterated a concern for traffic in the area.

Councillor Wiebe questioned whether the Church lot would be required for this development.

Luke Wiebe confirmed that (resident) parking would be on site for the new development.

The Public Hearing was closed at 10:01 a.m.

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Minutes of the Public Hearing held on December 4, 2018 at 10:05 a.m. with respect to Conditional Use application C22-18; to allow for a coffee shop (Negash Coffee Ltd.) to operate on Lot 23 Block 1 Plan 59619, civically known as Unit 2B – 40 Drovers Run.

Mayor Myron Dyck served as chairperson, with all members of Council in attendance.

Henok Negash provided an overview of his proposal to have a coffee shop serving of 8-9 customers in addition to roasting and packaging coffee in Unit 2B of 40 Drovers Run.

Deputy Mayor John Funk asked whether there was any odor that would cause a concern and confirmed that there would be no drive through service.

Henok Negash noted that the roasting smell would not noticeable outside.

Councillor Wiebe commented that parking on site was adequate and CAO Eric King provided confirmation on this.

There were no concerns brought forward.

The Public Hearing was closed at 10:09 a.m.

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Minutes of the Public Hearing held on December 4, 2018 at 10:12 a.m. with respect to Variation application V10-18; to allow for an additional 45 sq. ft. of sign face on the approved free-standing sign on Lot 23 Block 1 Plan 59619, civically known as 40 Drovers Run. Mayor Myron Dyck served as chairperson, with all members of Council in attendance.

Ray Dowse provided an overview of his proposal to install 2 additional panels of sign face (45 sq. ft.) on an existing free-standing sign at 40 Drovers Run. Mr. Dowse confirmed that there would be no interference with sign lines and that the sign would be located next to the golf course entrance.

There were no concerns brought forward.

The Public Hearing was closed at 10:16 a.m.

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